



General Assembly

February Session, 2010

Raised Bill No. 146

LCO No. 568

00568_____PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT CONCERNING THE COLLECTION OF DNA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 54-102g of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2010*):

3 (a) Any person who has been convicted of a criminal offense against
4 a victim who is a minor, a nonviolent sexual offense or a sexually
5 violent offense, as those terms are defined in section 54-250, or a
6 felony, and has been sentenced on that conviction to the custody of the
7 Commissioner of Correction shall, prior to release from custody and at
8 such time as the commissioner may specify, submit to the taking of a
9 blood or other biological sample for DNA (deoxyribonucleic acid)
10 analysis to determine identification characteristics specific to the
11 person. If any person required to submit to the taking of a blood or
12 other biological sample pursuant to this subsection refuses or fails to
13 do so, the Commissioner of Correction or the commissioner's designee
14 shall notify the Department of Public Safety within thirty days of such
15 refusal or failure for the initiation of criminal proceedings against such
16 person.

17 (b) Any person who is convicted of a criminal offense against a

18 victim who is a minor, a nonviolent sexual offense or a sexually violent
19 offense, as those terms are defined in section 54-250, or a felony and is
20 not sentenced to a term of confinement shall, as a condition of such
21 sentence and at [such time as the sentencing court may specify] a time
22 and place specified by the Court Support Services Division, submit to
23 the taking of a blood or other biological sample for DNA
24 (deoxyribonucleic acid) analysis to determine identification
25 characteristics specific to the person.

26 (c) Any person who has been found not guilty by reason of mental
27 disease or defect pursuant to section 53a-13 of a criminal offense
28 against a victim who is a minor, a nonviolent sexual offense or a
29 sexually violent offense, as those terms are defined in section 54-250, or
30 a felony, and is in custody as a result of that finding, shall, prior to
31 discharge from custody in accordance with subsection (e) of section
32 17a-582, section 17a-588 or subsection (g) of section 17a-593 and at such
33 time as the Commissioner of Mental Health and Addiction Services or
34 the Commissioner of Developmental Services with whom such person
35 has been placed may specify, submit to the taking of a blood or other
36 biological sample for DNA (deoxyribonucleic acid) analysis to
37 determine identification characteristics specific to the person.

38 (d) Any person who has been convicted of a criminal offense against
39 a victim who is a minor, a nonviolent sexual offense or a sexually
40 violent offense, as those terms are defined in section 54-250, or a
41 felony, and is serving a period of probation or parole, and who has not
42 submitted to the taking of a blood or other biological sample pursuant
43 to subsection (a), (b) or (c) of this section, shall, prior to discharge from
44 the custody of the Court Support Services Division or the Department
45 of Correction and at such time as said division or department may
46 specify, submit to the taking of a blood or other biological sample for
47 DNA (deoxyribonucleic acid) analysis to determine identification
48 characteristics specific to the person.

49 (e) Any person who has been convicted or found not guilty by

50 reason of mental disease or defect in any other state or jurisdiction of a
 51 felony or of any crime, the essential elements of which are
 52 substantially the same as a criminal offense against a victim who is a
 53 minor, a nonviolent sexual offense or a sexually violent offense, as
 54 those terms are defined in section 54-250, and is in the custody of the
 55 Commissioner of Correction, is under the supervision of the Judicial
 56 Department or the Board of Pardons and Paroles or is under the
 57 jurisdiction of the Psychiatric Security Review Board, shall, prior to
 58 discharge from such custody, supervision or jurisdiction submit to the
 59 taking of a blood or other biological sample for DNA
 60 (deoxyribonucleic acid) analysis to determine identification
 61 characteristics specific to the person.

62 (f) The analysis shall be performed by the Division of Scientific
 63 Services within the Department of Public Safety. The identification
 64 characteristics of the profile resulting from the DNA analysis shall be
 65 stored and maintained by the division in a DNA data bank and shall
 66 be made available only as provided in section 54-102j.

67 (g) Any person who refuses or fails to submit to the taking of a
 68 blood or other biological sample pursuant to this section shall be guilty
 69 of a class [A misdemeanor] D felony. Any person required to submit to
 70 the taking of blood or other biological sample pursuant to subsection
 71 (b) of this section who refuses or fails to submit to the taking of such
 72 sample or blood within five business days of the time specified by the
 73 Court Support Services Division may be rearrested pursuant to a
 74 warrant issued under section 54-2a.

75 Sec. 2. Section 54-102h of the general statutes is repealed and the
 76 following is substituted in lieu thereof (*Effective October 1, 2010*):

77 (a) (1) The collection of a blood or other biological sample from
 78 persons required to submit to the taking of such sample pursuant to
 79 subsection (a) of section 54-102g, as amended by this act, shall be the
 80 responsibility of the Department of Correction and shall be taken at a
 81 time and place specified by the Department of Correction.

82 (2) The collection of a blood or other biological sample from persons
83 required to submit to the taking of such sample pursuant to subsection
84 (b) of section 54-102g, as amended by this act, shall be the
85 responsibility of the [Department of Public Safety] Judicial Department
86 and shall be taken at a time and place specified by the [sentencing
87 court] Court Support Services Division.

88 (3) The collection of a blood or other biological sample from persons
89 required to submit to the taking of such sample pursuant to subsection
90 (c) of section 54-102g, as amended by this act, shall be the
91 responsibility of the Commissioner of Mental Health and Addiction
92 Services or the Commissioner of Developmental Services, as the case
93 may be, and shall be taken at a time and place specified by said
94 commissioner.

95 (4) The collection of a blood or other biological sample from persons
96 required to submit to the taking of such sample pursuant to subsection
97 (d) of section 54-102g, as amended by this act, shall be the
98 responsibility of the Judicial Department if such person is serving a
99 period of probation and of the Department of Correction if such person
100 is serving a period of parole and shall be taken at a time and place
101 specified by the Court Support Services Division or the Department of
102 Correction, as the case may be.

103 (5) The collection of a blood or other biological sample from persons
104 required to submit to the taking of such sample pursuant to subsection
105 (e) of section 54-102g, as amended by this act, shall be the
106 responsibility of the agency in whose custody or under whose
107 supervision such person has been placed, and shall be taken at a time
108 and place specified by such agency.

109 (b) Only a person licensed to practice medicine and surgery in this
110 state, a qualified laboratory technician, a registered nurse or a
111 phlebotomist shall take any blood sample to be submitted to analysis.

112 (c) No civil liability shall attach to any person authorized to take a

113 blood or other biological sample as provided in this section as a result
 114 of the act of taking such sample from any person submitting thereto, if
 115 the blood or other biological sample was taken according to
 116 recognized medical procedures, provided no person shall be relieved
 117 from liability for negligence in the taking of any such sample.

118 (d) (1) Chemically clean sterile disposable needles and vacuum
 119 draw tubes shall be used for all blood samples. The tube or container
 120 for a blood or other biological sample shall be sealed and labeled with
 121 the subject's name, Social Security number, date of birth, race and
 122 gender, the name of the person collecting the sample, and the date and
 123 place of collection. The tube or container shall be secured to prevent
 124 tampering with the contents.

125 (2) Only collection kits approved by the Division of Scientific
 126 Services within the Department of Public Safety may be used for the
 127 collection of biological samples by buccal swabs.

128 (e) The steps set forth in this section relating to the taking, handling,
 129 identification and disposition of blood or other biological samples are
 130 procedural and not substantive. Substantial compliance therewith shall
 131 be deemed to be sufficient. The samples shall be transported to the
 132 Division of Scientific Services within the Department of Public Safety
 133 not more than fifteen days following their collection and shall be
 134 analyzed and stored in the DNA data bank in accordance with sections
 135 54-102i and 54-102j.

136 Sec. 3. Section 54-102m of the general statutes is repealed and the
 137 following is substituted in lieu thereof (*Effective October 1, 2010*):

138 (a) There is established a DNA Data Bank Oversight Panel
 139 composed of the Chief State's Attorney, the Attorney General, the
 140 Commissioner of Public Safety, the Executive Director of the Court
 141 Support Services Division of the Judicial Department and the
 142 Commissioner of Correction, or their designees. The Chief State's
 143 Attorney shall serve as chairperson of the panel and shall coordinate

144 the agencies responsible for the implementation and maintenance of
145 the DNA data bank established pursuant to section 54-102j.

146 (b) The panel shall take such action as necessary to assure the
147 integrity of the data bank including the destruction of inappropriately
148 obtained samples and the purging of all records and identifiable
149 information pertaining to the persons from whom such
150 inappropriately obtained samples were collected.

151 (c) The panel shall meet on a quarterly basis and shall maintain
152 records of its meetings. Such records shall be retained by the
153 chairperson. The meetings and records of the panel shall be subject to
154 the provisions of the Freedom of Information Act, as defined in section
155 1-200, except that discussions and records of personally identifiable
156 DNA information contained in the data bank shall be confidential and
157 not subject to disclosure pursuant to the Freedom of Information Act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2010</i>	54-102g
Sec. 2	<i>October 1, 2010</i>	54-102h
Sec. 3	<i>October 1, 2010</i>	54-102m

Statement of Purpose:

To transfer responsibility for the collection of DNA from sex offenders from the Department of Public Safety to the Court Support Services Division, to expand the offense of refusal to submit to such collection to include failure to submit, to make any failure or refusal to submit to DNA analysis a class D felony, to allow the Division of Scientific Services to approve the type of collection kits used to collect buccal samples and to add the Executive Director of the Court Support Services Division or a designee to the DNA Data Bank Oversight Panel.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]